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GENERAL ASSEMBLY
Fifty-second session
Items 10, 113 and 114
of the provisional agenda*
REPORT OF THE SECRETARY-GENERAL
ON THE WORK OF THE ORGANIZATION
RIGHT OF PEOPLES TO SELF-DETERMINATION
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-second year

Letter dated 15 August 1997 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

I have the honour to transmit the text of a memorandum on the Jammu and Kashmir dispute, addressed to the Secretary-General, adopted by the Special Committee of the National Assembly of Pakistan on Kashmir, at its meeting held today (see annex).

It is requested that the present letter and its annex be circulated as an official document of the General Assembly, under items 10, 113 and 114 of the provisional agenda, and of the Security Council.

(Signed) Ahmad KAMAL
Ambassador and
Permanent Representative

* A/52/150 and Corr.1.

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ANNEX

Memorandum dated 15 August 1997 from the Special Committee of the National Assembly of Pakistan on Kashmir to the Secretary-General

The principles embodied in Security Council resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948, 80 (1950) of 14 March 1950 and 91 (1951) of 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 expressly state that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

The Prime Minister of India, Jawaharlal Nehru, reiterated before the Indian Parliament on 26 June 1952: "If after a proper plebiscite, the people of Kashmir said, 'We do not want to be with India', we are committed to accept that. We will accept it, though it might pain us. We will not send in any army against them. We will accept that, however hurt we might feel about it."

The Special Committee of the National Assembly of Pakistan on Kashmir recalls that tragically, despite the passage of over four decades, the oppressed people of Indian-held Kashmir continue to struggle for their very basic and fundamental right, i.e., the right to self-determination. Instead of fulfilling its promises to the people of Kashmir and its obligations to the international community, India has reacted with violence to the legitimate demands of the Kashmiri people.

Over the past 8 years, 60,000 innocent Kashmiri men, women and children have perished at the hands of the 600,000 strong Indian security forces present in Kashmir. A reign of terror has been let loose, characterized by extrajudicial executions, indiscriminate killings, random and mass arrests for political reasons, forced relocation of the population, gang rapes of women and systematic efforts to obliterate the ethnic, social and cultural identity of the Kashmiri people. Kashmir is in flames. A threat to regional and global peace looms large on the horizon.

The denial by India of the inalienable right of self-determination to the people of Kashmir cannot be permitted and the atrocities being perpetrated on them by the Indian security forces cannot be condoned. It is for all civilized and responsible States members of the international community of nations to send a loud and clear message to India - condemnation of the grave human rights violations and the necessity of upholding the sanctity of United Nations resolutions.

To ensure peace and stability in South Asia, in particular, and the world in general, it is pertinent to stand by the Kashmiris in their just cause - their demand for the right of self-determination pledged to them by the international community and by India and Pakistan in the form of United Nations resolutions, and to support Pakistan in its moral and legal stand based on its

commitment to peaceful settlement of the Kashmir dispute in accordance with United Nations resolutions.

Let the word go forth from the United Nations that:

(a) Injustice anywhere is a threat to justice everywhere;

(b) Massive violations of the human rights of the Kashmiris including their right of self-determination in accordance with United Nations resolutions are flagrant transgressions of the principles of the Charter of the United Nations and civilized norms;

(c) Indian repression of the Kashmiris must be stopped.

The Chairman and the members of the Kashmir Committee urge the United Nations:

(a) To hold a plebiscite in Jammu and Kashmir, without further delay, in accordance with Security Council resolutions;

(b) To demand that India withdraw its army of occupation from Jammu and Kashmir to end its repression of the Kashmiri people;

(c) To urge India to continue the dialogue with Pakistan with sincerity and seriousness and to resolve peacefully all outstanding issues between the two countries, including the Jammu and Kashmir dispute;

(d) To enhance the number and role of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) for facilitating its crucial functions of guaranteeing the inviolability of the line of control in Kashmir. Since the establishment of UNMOGIP in 1949 it has played, in your own words "a very useful role" and therefore needs the whole-hearted support of the international community;

(e) To demand that international human rights organizations be given full access to Jammu and Kashmir;

(f) The appointment of a Special Rapporteur on Jammu and Kashmir by the Commission on Human Rights.

We urge the Secretary-General actively to encourage, facilitate and support efforts leading to a peaceful resolution of the Jammu and Kashmir issue in accordance with the relevant Security Council resolutions as well as to exercise the mandate entrusted to him by Charter of the United Nations and under relevant international instruments to safeguard the fundamental rights and freedoms of the oppressed Kashmiri people.

(Signed) Ch. Muhammad Sarwar KHAN, MNA
Chairman
Special Committee of the National
Assembly of Pakistan on Kashmir

Islamabad, 15 August 1997